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EXAMINER

SMITH, SHEILA B

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 12/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/518,676

Applicant(s)

AOKI, JINICHI

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-7, 23,25,26 are rejected under 35 U.S.C. 102(e) as being anticipated by Watters et al. (U. S. Patent Number 5,982,324).

**Regarding claims 1, 2, 23,** Watters et al. discloses essentially all the claimed invention as set fourth in the instant application, further Watters et al. discloses combining GPS with toa/tdoa of cellular signals to locate terminal, in addition Watters et al. discloses a wireless communications system, a base station location determining system comprising: a satellite positioning system receiver(1005); predetermined location coordinates of said satellite positioning system receiver(which reads on column 5 lines 40-46) ; and a module which determines a difference between a location signal received by said satellite positioning system receiver and said predetermined location coordinates (1015) exhibited in figure 10.

**Regarding claims 3, 26,** Watters et al. discloses everything claimed, as applied above (see claim 1) additionally, Watters et al. discloses a wireless communications system, a location determining system is a cellular telephone (1010 ) (which reads on column 19 lines 48-49).

**Regarding claims 4, 5, 25,** Watters et al. discloses everything claimed, as applied above (see claim 1) additionally, Watters et al. discloses a wireless communications system, a wireless communications system, a location determining system wherein satellite positioning system is a GPS system receiver location determining system (1005 ) (which reads on column 19 lines 48-49).

**Regarding claim 6 ,** Watters et al. discloses everything claimed, as applied above (see claim 1) additionally, Watters et al. discloses a wireless communications system, a location determining system and a database containing at least one geological correction with respect to a location of said satellite positioning system receiver (disclosed in column 5 lines 30-50.)

**Regarding claim 7,** Watters et al. discloses everything claimed, as applied above (see claim 1) additionally, Watters et al. discloses a cellular telephone handset having a navigational satellite system capability; wherein a location determined by said cellular telephone handset is correctable by said difference between said location signal received by said satellite positioning system receiver of said base station and said predetermined location coordinates (which reads on column 19 lines 48-62).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8-10,13-15, 18-22, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watters et al. in view of Schipper (U. S. Patent Number 5,986,603).

*Regarding claims 8, 21* , Watters et al. discloses everything claimed, as applied above (see claim 1) additionally, Watters et al. discloses a wireless communications system, However, Watters et al. fails to specifically disclose a location determining system and difference comprises a longitude difference and a latitude difference.

In the same field of endeavor, Schipper further discloses geometric utilization of exact solutions of the psedorange equations. In addition Schipper discloses location determining system and difference comprises a longitude difference and a latitude difference disclosed in column 1 lines 26-30 and column 2 lines 55-60.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Watters et al. by modifying a different GPS and or glonass with wireless communications capability with a transmitting said highly accurate location information to a called party during an emergency telephone call as taught by Schipper for the purpose of providing for a lookup technique for position location

*Regarding claims 9, 22, 24* , Watters et al. discloses everything claimed, as applied above (see claim 1) additionally, Watters et al. discloses a wireless communications system, a location determining system and difference further comprises an altitude difference (disclosed in column 2 lines 11-12.)

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*Regarding claims 10,13,14, 15,18, 19, 20*, Watters et al. discloses everything claimed, as applied above (see claim 1) additionally, Watters et al. discloses a method of improving an accuracy of a received navigational satellite signal in a cellular telephone handset, comprising: receiving location information from a navigational satellite System as disclosed in column 5 lines 52-67, and a differential GPS correction signal relating to an error in said received location information; and combining said location information and said differential GPS correction signal to generate highly accurate location information as disclosed in column 23 lines 5-17.

3. Claims 11,12, 16,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watters et al. in view of Schipper (U. S. Patent Number 5,986,603) and further in view of Green Jr. (U. S. Patent Number 5,926,133).

*Regarding claims 11,12, 16,17*, Watters et al. in view of Schipper discloses everything claimed, as applied above (see claim 1) additionally, Watters et al. discloses a method of improving an accuracy of a received navigational satellite signal in a cellular telephone handset, comprising: receiving location information from a navigational satellite System as disclosed in column 5 lines 52-67. However, Watters et al. fails to specifically disclose transmitting said highly accurate location information to a called party during an emergency telephone call.

In the same field of endeavor, Green Jr. further discloses differentially corrected position location system and method for mobile communication networks. In addition Green Jr.

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discloses transmitting said highly accurate location information to a called party during an emergency telephone call in column 1 lines 26-30 and column 2 lines 55-60.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Watters et al. by modifying a different GPS and or glonass with wireless communications capability with a transmitting said highly accurate location information to a called party during an emergency telephone call as taught by Green Jr. for the purpose of providing for a lookup technique for position location.

***Citation of Pertinent Prior Art***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

***Haverty*** (U. S. Patent Number 6,088,586) discloses system for signaling within a cellular telephone system;

***Agness et al.*** (U. S. Patent Publication 2002/0107032) discloses hand-held cellular telephone system with location transmission inhibit;

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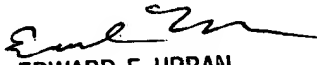
*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-6306 for regular communications and (703)308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

S. Smith  
December 1, 2002

  
EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600